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Sorenson, Ofc. Sandoval and Ofc. Doolittle

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSE DECASTRO,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; STATE OF NEVADA;
BRANDEN BOURQUE; JASON TORREY;
C. DINGLE; B. SORENSON; JESSE
SANDOVAL; OFFICER DOOLITTLE and
DOES 1 to 50, inclusive,

Defendants.

Case Number:
2:23-cv-00580-APG-EJY

DEFENDANTS' PRETRIAL ORDER

On June 4, 2025, this Court noted Plaintiff had failed to timely submit a Joint Pretrial Order and ordered the Parties to file the same on or before June 20, 2025. (ECF No. 110.) After not hearing from Plaintiff, Defendants drafted a proposed Joint Pretrial Order and sent the draft to Plaintiff on June 16, 2025. Plaintiff did not complete his portion of the JPTO. Therefore, the Defendants submit their own Pretrial Order.

I. NATURE OF THE ACTION

A. BACKGROUND

Plaintiff Jose DeCastro sues the Las Vegas Metropolitan Police Department (LVMPD) and LVMPD officer Branden Bourque, Jason Torrey, Chadly Dingle, Brandon Sorenson,

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1 Jesse Sandoval, and Clinton Doolittle. DeCastro contends the officers unreasonably searched
2 and seized him because he was exercising his First Amendment rights to video record a police
3 encounter and made rude comments to the arresting officer. He also alleges they used
4 excessive force.

5 **B. REMAINING PARTIES AND ISSUES FOR TRIAL**

6 On September 13, 2024, this Court granted in part defendants' motion for summary
7 judgment. ECF No. 100. In that order, this Court granted in part DeCastro's motion to
8 reconsider the Court's order dismissing certain federal law and state law claims and ordered
9 the parties to supplement their state law claim briefing. On April 25, 2025, the Court issued
10 its order denying defendants' renewed motion for summary judgment. ECF No. 109. Based
11 on these orders, the following claims issues remain for trial:

- 12 1. State law false arrest and unlawful search and seizure.
- 13 2. State law invasion of privacy.
- 14 3. 42 U.S.C. § 1983 excessive force and state law excessive force/battery.
- 15 4. 42 U.S.C. § 1983 Failure to intervene.
- 16 5. 42 U.S.C. § 1983 First Amendment and Nevada state law free speech violation.
- 17 6. 42 U.S.C. § 1983 First Amendment retaliation.
- 18 7. 42 U.S.C. § 1983 elective enforcement.

19 **II. STATEMENT OF JURISDICTION**

20 Plaintiff's federal claims are brought pursuant to 42 U.S.C. §1983 and his state law
21 claims are brought pursuant to 28 U.S.C. §§1331 and 1343(a)(3) and (4).

22 **III. STATEMENT OF UNCONTESTED FACTS**

23 1. In March 2023, defendant Bourque conduct a traffic stop on a driver in a public
24 parking lot.

25 2. While Bourque ran the driver's information, plaintiff DeCastro approached the
26 traffic stop, filming on his cellphone.

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1 3. DeCastro stopped about a half a parking space away from the stopped driver
2 and began speaking to the driver.

3 4. Borque exited his patrol vehicle and told DeCastro three times to back up.

4 5. DeCastro refused and Borque told him that he would be detained if he did not
5 comply.

6 6. DeCastro told Bourque he was “staying right here.”

7 7. DeCastro stated he was ten feet away and that he is a “constitutional scholar.”

8 8. DeCastro told Borque that he is “a member of the press” and “go get in your
9 car and do your job little doggie.”

10 9. When DeCastro refused to move, Bourque approached DeCastro and said he
11 was being detained, at which time DeCastro began to back away.

12 10. Bourke told DeCastro to move over to the patrol car and that he was going to
13 go hands on. DeCastro responded “No, you’re not.”

14 11. Bourke called for assistance over his radio and told DeCastro to move over
15 to the patrol car two more times, to which DeCastro responded, “no.”

16 12. Eventually, DeCastro turned and walked toward the patrol car while still
17 filming on his cell phone.

18 13. At the car, Bourque told DeCastro he was being detained for obstruction and
19 to put his cellphone on the car’s hood.

20 14. DeCastro turned and faced Bourque and repeated that he is a “constitutional
21 scholar.” Bourque repeated his commands to set the phone on the car’s hood.

22 15. When Bourque reached for DeCastro with both hands, DeCastro backed away
23 and swatted away Bourque’s hands.

24 16. Bourke said “now you’re going to put your hands on me?” and grabbed the
25 front of DeCastro’s shirt with his two hands and moved him to the front of the patrol car.

26 17. DeCastro continued to resist and ignored four commands by Bourque to turn
27 around.

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1 18. At this point, defendant Dingle arrived on scene and took hold of DeCastro's
2 right arm. Bourque ordered DeCastro to put his hands behind his back and DeCastro said "no."

3 19. Bourque told DeCastro he was getting a ticket, but if he did not put his hands
4 behind his back he would go to jail. DeCastro said "for what?" but did not comply.

5 20. Eventually, Bourque and Dingle got DeCastro handcuffed and used double
6 handcuffs because DeCastro reported a prior shoulder injury.

7 21. After handcuffing, Bourque patted DeCastro down for weapons. When he did
8 so, DeCastro claimed he struck his genitals for "no reason."

9 22. At this point, defendants Sorenson and Doolittle arrived.

10 23. DeCastro told the officers he "sue[s] cops all over the country."

11 24. Dingle learned that DeCastro had a warrant for his arrest.

12 25. While this was occurring, defendant Sandoval arrived and monitored DeCastro
13 who stated to Sandoval "why don't you drop down on your knees and suck my cock?"

14 26. Because DeCastro continued to move around, Sandoval grabbed his left arm
15 for not listening. DeCastro continued to verbally abuse Sandoval.

16 27. DeCastro accused Sandoval of squeezing his arm and asked the other officers
17 to make him stop. Sandoval denied hurting him and said it was because DeCastro was
18 continually moving.

19 28. Eventually defendant Sergeant Torrey arrived and spoke to DeCastro.

20 **IV. STATEMENT OF CONTESTED FACTS**

21 1. Whether DeCastro's complied with Bourque's order to back up and move a
22 safe distance from the traffic stop.

23 2. Whether DeCastro resisted Bourque's attempts to detain him.

24 3. Whether the officers' actions unlawfully invaded DeCastro's privacy by going
25 through his personal items *if they lacked probable cause*.

26 4. Whether Bourque purposefully struck DeCastro's genitals.

27 5. Whether Sandoval unreasonably applied pressure to DeCastro's arms.

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11. Whether DeCastro can introduce evidence of his alleged physical injuries.

V. STATEMENT OF CONTESTED ISSUES OF LAW

7. Whether the officers are protected by qualified immunity on DeCastro's 42 § 1983 claims.

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VI. EXHIBITS

A. DEFENDANTS' PROPOSED EXHIBITS

1. LVMPD Defendants' Exhibits:

- a. CAD Report for Event No. LLV230300064617 (LVMPD 000001 - 000004);
- b. Cad until Log by Incident Number (LVMPD 000005 - 000009);
- c. IA Statement of Complaint (LVMPD 000010 - 000015);
- d. LVMPD Incident Report (LVMPD 000016 - 000025);
- e. Citation (LVMPD 000026 - 000027);
- f. Declaration of Arrest (LVMPD 000028);
- g. Temporary Custody Record (LVMPD 000029);
- h. LVMPD Detention Services Division Booking Voucher (LVMPD 000030);
- i. IAB Complaint Form (LVMPD 000031);
- j. LVMPD Use of Force Policy 3.110 (LVMPD 000032 - 000066);
- k. LVMPD Arrests Without Warrants Policy 4.102 (LVMPD 000067 - 000070);
- l. Body Worn Camera footage of subject event from the defendant officers;
- m. LVMPD Lesson Plans dated December 2015 regarding Policies 3.02, 3.04, 3.19, 3.20, 4.05, 6.13, 8.05, 8.24 and 13.08 (LVMPD 000071 - 000527);
- n. LVMPD Lesson Plans dated February 2016 regarding Policies 3.02, 3.04, 3.19, 3.20, 4.05, 8.05, 8.24, 8.26, 13.08 and 16.19 (LVMPD 000528 – 000893);
- o. LVMPD Lesson Plans dated February 2022 regarding Policies 3.02, 3.04, 3.09, 3.16, 4.05, 6.01, 8.18, 10.08, 13.08 and 16.05 (LVMPD 000894 - 001321);
- p. Radio Disptach Calls;

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q. DeCastro's Youtube Video - Let's File My Lawsuit Against the Las Vegas Tyrant Cops From My Unlawful Arrest. #audit #court #popo – April 17, 2023;

r. DeCastro's YouTube Video - The Las Vegas Metro Police Dept Lawsuit: 12:30PM PST – April 18, 2023;

s. DeCastro's YouTube Video - LAWSUIT FILED! DELETELAWZ IS ARRESTED FOR FILMING COPS BY LAS VEGAS METRO P!G BRENDEN BORK – May 16, 2023;

t. DeCastro's YouTube Video - #AUDIT #Arrested Las Vegas PD, Lawsuit filed, LVMPD has been Served: Body Cam of Sandoval, NEVADA – April 29, 2023;

u. DeCastro's YouTube Video - TEAM DLZ FOLLOWS A RIGID SET OF POLICIES, PROCEDURES & PROTOCOLS – February 4, 2024;

v. DeCastro's YouTube Video - WE DONT STOP – September 17, 2024;

and

w. Our Nevada Judges, Inc. Video - The State of Nevada vs Jose "Chille" DeCastro, March 19, 2024 – March 19, 2024.

VII. ELECTRONIC EVIDENCE

Defendants intend to present electronic evidence, including Body Worn Camera footage for purposes of jury deliberations.

VIII. DEPOSITIONS

Unless witnesses are unavailable, Defendants do not intend to offer depositions other than for purposes of impeachment.

IX. THE FOLLOWING WITNESSES MAY BE CALLED AT TRIAL:

A. LVMPD DEFENDANTS' WITNESSES

1. Sgt. Torrey
c/o Marquis Aurbach
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2. Ofc. Bourque
c/o Marquis Aurbach
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(702) 382-0711
3. Ofc. Dingle
c/o Marquis Aurbach
10001 Park Run Drive
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(702) 382-0711
4. Ofc. Sorenson
c/o Marquis Aurbach
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
5. Ofc. Sandoval
c/o Marquis Aurbach
10001 Park Run Drive
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(702) 382-0711
6. Ofc. Doolittle
c/o Marquis Aurbach
10001 Park Run Drive
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X. TRIAL DATES

Counsel for the LVMPD Defendants are available for trial in January 2026 and February 2026.

It is expressly understood by the undersigned the Court will set the trial of this matter on one (1) of the agreed upon dates if possible, if not, the trial will be set at the convenience of the court's calendar.

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1 **XI. TIME FOR TRIAL**

2 It is estimated the trial will take a total of 4 days.

3 Dated this 20th day of June, 2025.

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4
5 By: /s/ Craig R. Anderson
6 Craig R. Anderson, Esq.
7 Nevada Bar No. 6882
8 Nicholas M. Adams, Esq.
9 Nevada Bar No. 15859
10 10001 Park Run Drive
11 Las Vegas, Nevada 89145
12 Attorneys for Defendants

10 **XII. ACTION BY THE COURT.**

11 (a) This case is set down for court/jury trial on the fixed/stacked calendar on
12 _____; Calendar call shall be held on _____.

13 (b) An original and two (2) copies of each trial brief shall be submitted to the clerk
14 on or before _____.

15 (c) Jury trials:

16 (1) An original and two (2) copies of all instructions requested by either
17 party shall be submitted to the clerk for filing on or before _____.

18 (d) Court trials:

19 Proposed findings of fact and conclusions of law shall be filed on or before
20 _____.

21 The foregoing pretrial order has been approved by the parties to this action as
22 evidenced by the signatures of their counsel hereon, and the order is hereby entered and will
23 govern the trial of this case. This order shall not be amended except by order of the court
24 pursuant to agreement of the parties or to prevent manifest injustice.

25 _____
26 UNITED STATES DISTRICT JUDGE

27 DATED: _____
28